

Message Text

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ACTION DLOS-05

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DOT-00 EB-07 EPA-04 ERDA-07 FEAE-00 FMC-02 H-02

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SCA-01 /189 W

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R 051215Z MAY 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 2612

INFO USMISSION USUN NEW YORK

UNCLAS SECTION 1 OF 3 GENEVA 3195

FROM US DEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: ECONOMIC ZONE

1. SUMMARY: THIS CABLE TRANSMITS TEXT OF 1 MAY 1975 LETTER FROM AMB. KEDADI OF TUNISIA, CHAIRMAN OF GROUP OF 77, TO AMBASSADOR GALINDO POHL, CHAIRMAN OF COMMITTEE II, ENCLOSING A WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE, AN OPPOSING LETTER TO GALINDO POHL FROM UGANDA ON BEHALF OF THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CRITICIZING THE TEXT, AND ARTICLES SUBMITTED BY THEM.

2. WHILE KEDADI TEXT FOLLOWS THE APPROACH OF THE EVENSEN GROUP PAPER, THERE ARE NO SPECIFIC ARTICLES ON INSTALLATIONS OR FISHERIES (OTHER THAN LANDLOCKED AND GDS ACCESS) AND THE UNCLASSIFIED

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WORDING OF ARTICLE 2(C) IS BROADER AND CONTAINS NO

QUALIFYING CROSS-REFERENCE "AS PROVIDED IN THIS CONVENTION."
PARTICULAR ATTENTION IS INVITED TO ARTICLE 2(D), ARTICLE 3,
THE LAST PORTION OF ARTICLE 7(II), AND THE STATEMENT
THAT THE ECONOMIC ZONE IS NOT HIGH SEAS IN ARTICLE 8.
THE RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES UNDER ARTICLE 5 ARE MORE ELABORATE AND PERHAPS
STRONGER THAN IN THE EVENSEN TEXT. ONE MIGHT SPECULATE
THAT THE TEXT AS A WHOLE IN EFFECT REFLECTS AN ATTEMPT TO
ACCOMMODATE DISSATISFACTION WITH THE EVENSEN TEXT BY
EXTREMELY COASTAL STATES AND AN EFFORT TO ACCOMMODATE
LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES.
THE LATTER ARE, HOWEVER, NOT SATISFIED.

3. TEXT KEDADI LETTER: BEGIN TEXT - I HAVE THE HONOUR TO
TRANSMIT TO YOU A WORKING PAPER DATED 30 APRIL 1975 CON-
TAINING DRAFT ARTICLES ON THE EXCLUSIVE ECONOMIC ZONE.
THE PAPER WAS PREPARED ON THE BASIS OF DISCUSSION IN
THE GROUP OF 77 OVER THE PAST SEVERAL WEEKS. AS THE DIS-
CUSSIONS HAVE NOT BEEN CONCLUDED, THE PAPER DOES NOT RE-
PRESENT A CONSENSUS OF THE GROUP. NEVERTHELESS, IT DOES
REFLECT A CROSS SECTION OF POSITIONS HELD BY STATES
MEMBERS OF THE GROUP OF 77 AND AS SUCH IT MAY PROVE TO BE
OF SOME ASSISTANCE TO YOU IN PREPARING A NEGOTIATING TEXT
ON THE ITEMS DEALT WITH BY YOUR COMMITTEE. END TEXT.

4. TEXT OF DRAFT ARTICLES TRANSMITTED BY KEDADI: BEGIN
TEXT - WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE -
(THE FOLLOWING TEXT IS SUBMITTED BY THE CHAIRMAN OF THE
GROUP OF 77 TO THE CHAIRMAN OF COMMITTEE II ON BEHALF
OF THE GROUP OF 77, FOR HIS INFORMATION. DISCUSSIONS
ARE CONTINUING ON SEVERAL ASPECTS CONTAINED IN THE
TEXT AND CONSEQUENTLY THE DOCUMENT CANNOT BE CONSIDERED
AS REPRESENTING THE FINAL POSITION OF THE GROUP OR OF
ANY STATE MEMBER OF THE GROUP OF 77.)

ARTICLE 1

COASTAL STATES HAVE THE RIGHT TO ESTABLISH BEYOND
AND ADJACENT TO THEIR TERRITORIAL SEAS AN EXCLUSIVE ECONOMIC
ZONE WHICH SHALL NOT EXTEND BEYOND 200 NAUTICAL MILES
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FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRI-
TORIAL SEA IS MEASURED. THIS ARTICLE IS WITHOUT PREJUDICE
TO ARTICLE...PERTAINING TO THE CONTINENTAL SHELF.

ARTICLE 2

COASTAL STATES EXERCISE IN AND THROUGHOUT THE EXCLU-
SIVE ECONOMIC ZONE:

(A) SOVEREIGN RIGHTS FOR THE PURPOSE OF EXPLORING, EXPLOITING, CONSERVING AND MANAGING THE NATURAL RESOURCES, WHETHER RENEWABLE OR NON-RENEWABLE, OF THE WATER COLUMN, AND SEABED AND SUBSOIL.

(B) SOVEREIGN RIGHTS WITH REGARD TO OTHER ACTIVITIES FOR THE ECONOMIC EXPLORATION AND EXPLOITATION OF THE EXCLUSIVE ECONOMIC ZONE, SUCH AS THE PRODUCTION OF ENERGY FROM THE WATER, CURRENTS AND WINDS, BUT WITHOUT PREJUDICE TO THE PROVISIONS OF PARAGRAPH 7 BELOW.

(C) (I) EXCLUSIVE JURISDICTION WITH RESEPECT TO AUTHORIZATION, REGULATION AND CONTROL OF THE MARINE ENVIRONMENT INCLUDING POLLUTION CONTROL AND ABATEMENT.

(II) EXCLUSIVE JURISDICTION WITH RESPECT TO AUTHORIZATION, REGULATION AND CONTROL OF SCIENTIFIC RESEARCH.

(III) EXCLUSIVE JURISDICTION WITH RESPECT TO THE ESTABLISHMENT AND USE OF ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES AND OTHER DEVICES, INCLUDING CUSTOMS, FISCAL, HEALTH, PUBLIC ORDER AND IMMIGRATION REGULATION PERTAINING THERETO.

(D) OTHER RIGHTS AND DUTIES COMPATIBLE WITH THE PROVISIONS OF THIS CONVENTION.

COASTAL STATES HAVE THE POWER TO MAKE AND ENFORCE REGULATIONS RELATING TO THE ABOVE RIGHTS AND JURISDICTION.

ARTICLE 3

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(A) THE RIGHTS TO RESOURCES RECOGNIZED OR ESTABLISHED BY THE PRESENT CONVENTION OF A TERRITORY WHOSE PEOPLE HAVE NOT YET ATTAINED EITHER FULL INDEPENDENCE OR SOME OTHER SELF-GOVERNING STATUS RECOGNIZED BY THE UNITED NATIONS OR A TERRITORY UNDER FOREIGN OCCUPATION OR COLONIAL DOMINATION OR A UNITED NATIONS TRUST TERRITORY OF A TERRITORY ADMINISTERED BY THE UNITED NATIONS SHALL BE VESTED IN THE INHABITANTS OF THAT TERRITORY, TO BE EXERCISED BY THEM FOR THEIR OWN BENEFIT AND IN ACCORDANCE WITH THEIR OWN NEEDS AND REQUIREMENTS.

THE ABOVE PROVISION SHALL APPLY IN EVERY WAY TO THE PALESTINIAN LIBERATION MOVEMENT AND THE LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY, WHO ARE

ENGAGED IN ARMED STRUGGLE TO RECOVER THEIR TERRITORY.

(B) IN NO CASE MAY THE RIGHTS REFERRED TO IN PARAGRAPH 1 BE EXERCISED, PROFITED OR BENEFITED FROM, DIRECTLY OR INDIRECTLY, OR IN ANY WAY INFRINGED BY A METROPOLITAN OR FOREIGN POWER ADMINISTERING OR OCCUPYING SUCH TERRITORY OR PURPORTING TO ADMINISTER OR OCCUPY SUCH TERRITORY.

WHERE A DISPUTE EXISTS WITH REGARD TO A TERRITORY UNDER FOREIGN OCCUPATION OR COLONIAL DOMINATION SUCH RIGHTS WILL NOT BE EXERCISED UNTIL AND WHEN THE DISPUTE WITH THE COLONIAL DOMINATING POWER HAS BEEN DEFINITELY SETTLED IN ACCORDANCE WITH THE PERTINENT RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH CONTEMPLATE SAFE-GUARDING OF TERRITORIAL INTEGRITY, THE PROMOTION OF DE-COLONIALIZATION AND THE RECOVERY OF TERRITORY.

(C) REFERENCES IN THIS ARTICLE TO A TERRITORY INCLUDE CONTINENTAL AND INSULAR TERRITORIES.

ARTICLE 4

IN EXERCISING THEIR RIGHTS AND THEIR JURISDICTION UNDER THIS CONVENTION AND IN MAKING AND ENFORCING REGULATIONS PERTAINING THERETO COASTAL STATES SHALL HAVE DUE

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REGARD TO THE RIGHTS OF OTHER STATES IN THE EXCLUSIVE ECONOMIC ZONE AS SPECIFIED IN THIS CONVENTION.

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R 051215Z MAY 75

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FROM US DEL LOS

ARTICLE 5

(I) (A) LANDLOCKED STATES AND DEVELOPING
GEOGRAPHICALLY

DISADVANTAGED STATES HAVE THE RIGHT TO EXPLOIT THE
LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE OF
NEIGHBORING COASTAL STATES IN ACCORDANCE WITH THIS
ARTICLE AND SHALL BEAR THE CORRESPONDING OBLIGATIONS.
DEVELOPED LAND-LOCKED AND DEVELOPED GEOGRAPHICALLY DIS-
ADVANTAGED STATES SHALL HOWEVER ONLY BE ENTITLED TO
EXERCISE THEIR RIGHTS WITHIN THE EXCLUSIVE ECONOMIC
ZONES OF NEIGHBORING DEVELOPED COASTAL STATES.

(B) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (II)B
BELOW, NATIONALS OF NEIGHBORING LANDLOCKED STATES SHALL
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ENJOY EQUAL RIGHTS AS NATIONALS OF COASTAL STATES, OR A
RIGHT THAT WILL ENSURE A FAIR AND EQUITABLE SHARE OF THE
LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES, AND BEAR
SIMILAR BUT NON-DISCRIMINATORY OBLIGATIONS AS NATIONALS OF
THE COASTAL STATE.

(C) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (II)B
BELOW, NATIONALS OF NEIGHBORING DEVELOPING GEOGRAPHICALLY
DISADVANTAGED STATES SHALL ENJOY A RIGHT THAT WILL ENSURE
A FAIR AND EQUITABLE SHARE OF THE LIVING RESOURCES OF THE
EXCLUSIVE ECONOMIC ZONE AND BEAR SIMILAR BUT NON-DIS-
CRIMINATORY OBLIGATIONS AS NATIONALS OF A COASTAL STATE.

(II) A. THE ABOVE-MENTIONED RIGHTS OF NATIONALS OF LAND-

LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATES CANNOT BE TRANSFERRED TO THIRD PARTIES BY LEASE OR LICENSE, BY ESTABLISHING JOINT COLLABORATION VENTURES, OR BY ANY OTHER ARRANGEMENTS. THE FOREGOING SHALL NOT HOWEVER PRECLUDE LANDLOCKED STATES AND DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL AND FINANCIAL ASSISTANCE FROM THIRD STATES OR COMPETENT INTERNATIONAL ORGANIZATIONS.

B. BILATERAL, SUBREGIONAL OR REGIONAL ARRANGEMENTS SHALL BE WORKED OUT FOR THE PURPOSE OF ENSURING THE ENJOYMENT OF THE RIGHTS AND CARRYING OUT THE OBLIGATIONS IN PARAGRAPH (I) OF THIS ARTICLE INCLUDING WHERE APPROPRIATE, SPECIFYING THE AREAS IN THE EXCLUSIVE ECONOMIC ZONE WHERE SUCH RIGHTS WOULD BE EXERCISED. NOTHING IN THIS ARTICLE SHALL PRECLUDE STATES IN A REGION OR SUBREGION FROM ENTERING INTO ARRANGEMENTS FOR REGIONAL EXCLUSIVE ECONOMIC ZONES FOR EXPLOITING THE RESOURCES THEREIN.

ARTICLE 6

(A) FOR THE PURPOSE OF THESE ARTICLES "DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES" MEANS DEVELOPING COASTAL STATES WHICH:

(I) FOR GEOGRAPHICAL REASONS CANNOT CLAIM AN EXCLUSIVE ECONOMIC ZONE, OR
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(II) FOR BIOLOGICAL OR ECONOLOGICAL REASONS, EXCLUSIVELY NATURAL IN CHARACTER, DERIVE NO SUBSTANTIAL ECONOMIC ADVANTAGE FROM EXPLOITING THE LIVING RESOURCES OF THEIR EXCLUSIVE ECONOMIC ZONES AND WHOSE RIGHTS OF ACCESS TO LIVING RESOURCES ARE ADVAESELY AFFECTED BY THE ESTABLISHMENT OF EXCLUSIVE ECONOMIC ZONES BY OTHER STATES.

(B) FOR THE PURPOSE OF ARTICLE 5, A LANDLOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE IS "NEIGHBORING" COASTALSTATE IF:

(I) IT SHARES A COMMON BORDER WITH THE COASTAL STATE, OR

(II) IT IS ADJACENT TO THE COASTAL STATE, OR

(III) BOTH IT AND THE COASTAL STATE LIE WITHIN OR BORDER A CLOSED OR SEMIENCLOSED AREA, OR

(IV) IT IS SITUATED WITHIN REASONABLE PROXIMITY OF THE COASTAL STATE, TAKING INTO ACCOUNT ALL THE RELEVANT GEOGRAPHICAL CIRCUMSTANCES PERTAINING TO THE REGION.

ARTICLE 7

(I) ALL STATES, WHETHER COASTAL OR NOT SHALL ENJOY IN THE EXCLUSIVE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LEGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATIONS, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

(II) IN EXERCISING THEIR RIGHTS AND PERFORMING THEIR DUTIES WITHIN THE EXCLUSIVE ECONOMIC ZONE UNDER THIS CONVENTION, STATES SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES OF THE COASTAL STATE AND IN PARTICULAR TO ITS SECURITY INTERESTS IN THE EXCLUSIVE ECONOMIC ZONE.

ARTICLE 8

8. IN CASES WHERE THE CONVENTION DOES NOT ATTRIBUTE WITHIN THE EXCLUSIVE ECONOMIC ZONE, RIGHTS OR JURISDICTION TO
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THE COASTAL STATE OR TO OTHER STATES AND A DISAGREEMENT ARISES IN CONNECTION WITH THE INTERESTS OF THE COASTAL STATE AND ANY OTHER STATE OR STATES, SUCH DISAGREEMENT SHOULD BE RESOLVED TAKING INTO ACCOUNT EQUITY, THE NATURE OF THE EXCLUSIVE ECONOMIC ZONE WHICH IS NOT PART OF THE HIGH SEAS, AND IN LIGHT OF ALL RELEVANT CIRCUMSTANCES, INCLUDING THE RESPECTIVE IMPORTANCE TO THE PARTIES OF THE INTERESTS INVOLVED AS WELL AS TO THE INTERNATIONAL COMMUNITY AS A WHOLE. END TEXT.

5. TEXT UGANDA LETTER: BEGIN TEXT - ON BEHALF OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF 77, I HAVE THE HONOUR TO CONVEY TO YOU THE FOLLOWING POINTS:

A) THE GROUP WISHES TO INFORM YOU THAT IT HAS VERY SERIOUS RESERVATIONS ON THE PAPER SUBMITTED BY AMBASSADOR KEDADI ON BEHALF OF THE GROUP OF 77. IN THE VIEW OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF 77, THE PAPER EMANATING FROM THE GROUP OF 77 DOES NOT EQUITABLY REPRESENT THE INTERESTS OF THAT GROUP.

B) ON THE OTHER HAND, THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF 77 WISHES TO EMPHASIZE TO YOU THAT THE TWO PAPERS SUBMITTED BY AMBASSADOR FRANZ WEIDINGER ON BEHALF

OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CONTAIN THE WIDELY ACCEPTABLE VIEWS AND INTERESTS OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP.

IT IS THEREFORE, THE HOPE OF THE GROUP ON WHOSE BEHALF THIS LETTER IS ADDRESS TO YOU THAT IN PREPARING THE SINGLE NEGOTIATING TEXT FOR THE SECOND COMMITTEE YOU WILL RELY ON THESE PAPERS TO DETERMINE THE INTERESTS OF THE GROUP IN QUESTION. END TEXT.

6. TEXT OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES:
BEGIN TEXT - REGIME ON THE LIVING AND NON-LIVING RESOURCES
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OF THE ECONOMIC ZONE

NOTE: THESE DRAFT ARTICLES DO NOT NECESSARILY REPRESENT THE FINAL POSITION OF THE MEMBERS OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES ON THE QUESTION OF THE ECONOMIC ZONE AND DO NOT PREJUDICE THEIR POSITION ON PREVIOUS OR FUTURE DRAFT PROPOSALS.

ARTICLE 1

SUBJECT TO THE PROVISIONS OF THESE ARTICLES COASTAL STATES SHALL HAVE THE RIGHT TO ESTABLISH, ADJACENT TO THEIR TERRITORIAL SEA, AN ECONOMIC ZONE WHICH SHALL NOT EXTEND BEYOND ... NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. COASTAL STATES MAY EXERCISE IN THAT ECONOMIC ZONE, RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING THE NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, OF THE WATER COLUMN, THE SEABED AND SUBSOIL.

ARTICLE 2

IN EXERCISING THEIR RIGHTS RELATING TO THE ECONOMIC ZONE, COASTAL STATES SHALL PAY DUE REGARD TO THE RIGHTS OF OTHER STATES IN THAT ZONE.

ARTICLE 3

ALL STATES, WHETHER COASTAL OR NOT SHALL ENJOY IN THE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT, THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LEGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

ARTICLE 4

LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES
SHALL HAVE THE RIGHT TO PARTICIPATE IN THE EXPLORA-
TION AND EXPLOITATION OF THE LIVING AND NON-LIVING
RESOURCES OF THE ECONOMIC ZONES OF COASTAL STATES IN
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ACCORDANCE WITH THE PROVISIONS OF THESE ARTICLES.

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FROM US DEL LOS

ARTICLE 5

1. LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL NOT TRANSFER THEIR RIGHTS UNDER ARTICLE 4 TO THIRD STATES, EXCEPT WHEN OTHERWISE AGREED UPON BY THE STATES CONCERNED.

2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT PRECLUDE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL OR FINANCIAL ASSISTANCE FROM THIRD STATES, OR FROM INTERNATIONAL ORGANIZATIONS, FOR THE PURPOSE OF ENABLING THEM TO ENJOY THEIR RIGHTS IN THE ECONOMIC ZONES.

ARTICLE 6

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ACTIVITIES CARRIED OUT PURSUANT TO THESE ARTICLES BY LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN THE ECONOMIC ZONE OF A COASTAL STATE SHALL BE SUBJECT TO THE RELEVANT REGULATIONS OF THE COASTAL STATE PROVIDED THAT THESE REGULATIONS ARE APPLIED WITHOUT DISCRIMINATION AND ARE CONSISTENT WITH THE PROVISIONS OF THESE ARTICLES AND THE AGREEMENTS TO BE CONCLUDED UNDER THEM.

ARTICLE 7

1. EQUITABLE ARRANGEMENTS FOR THE PURPOSE OF THE EXERCISE OF THE RIGHT REFERRED TO IN ARTICLE 4 SHALL BE WORKED OUT BETWEEN A LAND-LOCKED, OR GEOGRAPHICALLY DISADVANTAGED STATE AND THE NEIGHBOURING COASTAL STATE OR STATES.

2. NEIGHBOURING COASTAL STATE SHALL MEAN A STATE WHICH IS ADJACENT TO OR SITUATION IN THE (CLOSE) VICINITY OF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CONCERNED.

ARTICLE 8

IF A NEIGHBOURING COASTAL STATE IS GEOGRAPHICALLY DISADVANTAGED THE ARRANGMENTS REFERRED TO IN ARTICLE 7 SHALL BE WORKED OUT WITH ONE OR MORE OF THE NEXT ADJACENT OR OTHER COASTAL STATES OF THE REGION TAKING INTO ACCOUNT THAT THE RIGHTS OF PARTICIPATION IN THE ECONOMIC ZONES SHALL BE EQUITABLY DISTRIBUTED.

ARTICLE 9

1. THE TERM "REGION" AS USED IN THESE ARTICLES SHALL MEAN THE GEOGRAPHICAL AREAS COVERED BY THE REGIONAL ECON-

OMIC COMMISSIONS OF THE UNITED NATIONS.

2. THE EXERCISE OF THIS RIGHT SHALL BE SUBJECT TO THE PRINCIPLE THAT DEVELOPED LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL ONLY PARTICIPATE IN THE ECONOMIC ZONES OF DEVELOPED COASTAL STATES.

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ARTICLE 10

1. COASTAL STATES, LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN A SUB-REGION SHALL, AT THE REQUEST OF ANY OF THEM, ENTER INTO NEGOTIATIONS WITH A VIEW TO CONCLUDING ARRANGEMENTS FOR THE ESTABLISHMENT OF SUB-REGIONAL ECONOMIC ZONES ON A BASIS OF EQUALITY.

2. THE TERM "REGIONAL" OR "SUB-REGIONAL" ECONOMIC ZONES MEANS ECONOMIC ZONES CREATED BY A GROUP OF THREE OR MORE NEIGHBORING STATES WHETHER OR NOT THEY ARE PARTIES TO AGREEMENTS OF ECONOMIC INTEGRATION FOR THE PURPOSE OF JOINT EXPLORATION AND EXPLOITATION OF SUCH ZONES.

ARTICLE 11

IN EXERCISING THEIR RIGHT UNDER ARTICLE 4 RELATING TO LIVING RESOURCES LAND-LOCKED STATES SHALL BE ENTITLED TO EXPLORE AND EXPLOIT THE LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED ON AN EQUAL AND NON-DISCRIMINATORY BASIS, AND GEOGRAPHICALLY DISADVANTAGED STATES ON AN EQUITABLE BASIS, WITH SUCH COASTAL STATES.

ARTICLE 12

1. THE RIGHT REFERRED TO IN ARTICLE 4 RELATING TO THE EXPLORATION AND EXPLOITATION OF NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED SHALL BE IMPLEMENTED BY THE ESTABLISHMENT OF JOINT VENTURES OR BY ANY OTHER FORM OF PARTICIPATION ON AN EQUITABLE AND ECONOMICALLY MEANINGFUL BASIS.

2. THE PARTICIPATION REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE DEEMED TO BE EQUITABLE AND ECONOMICALLY MEANINGFUL IF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CAN OBTAIN AT LEAST ... PER CENT OF THE TOTAL OF THE NON-LIVING RESOURCES EXTRACTED ANNUALLY IN THE ECONOMIC ZONE OF THE COASTAL STATES CONCERNED.

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